

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Emery et al.

Docket No.: 293.00010102

Title: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

Assistant Commissioner for Patents

Mail Stop **PATENT APPLICATION**

P.O. Box 1450

Alexandria, VA 22313-1450

17510 U.S. PTO
10/749602

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

☒ **UTILITY PATENT APPLICATION** including:

☒ Specification (46 consecutively numbered pgs, including 66 claims on 10 consecutively numbered pgs and a 1 pg Abstract);

☒ Drawings (5 figures on 3 sheets);

☐ A copy of the signed Combined Declaration and Power of Attorney filed in the prior application (pgs).

☒ Application Data Sheet (2 pgs).

☒ An itemized return postcard.

☐ A certified copy of a application, Serial No. , filed , the right of priority of which is claimed under 35 U.S.C. §119.

☐ Computer readable form of "Sequence Listing." Applicants state that the paper copy form of the "Sequence Listing" section of the present application, and the computer readable form submitted herewith, are the same.

☒ Other: Request for Filing a Divisional Patent Application under Rule 1.53(b) - (3 pgs); Preliminary Amendment (3 pgs); and a copy of the Election under 37 C.F.R. §3.71, Revocation, Power of Attorney, and Certification under §3.73(b) filed in the prior application (5 pgs).

☒ A check in the amount of \$1,770 to pay the filing fee, which is calculated below:

APPLICATION FILING FEE					
	Number of Pending Claims (1)	Claims Included in Basic Filing Fee (2)	Number of Extra Claims (1-2)	Cost per Extra Claim	Fee Required
Total Claims	66	- 20 =	46	x \$18 =	\$828
Independent Claims	5	- 3 =	2	x \$86 =	\$172
One or More Multiple Dependent Claims Presented? If Yes, Enter \$290 Here →					\$0
Enter Basic Filing Fee (Utility Patent-\$770) Here →					\$770
Total Application Filing Fee					\$1,770

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

MUETING, RAASCH & GEBHARDT, P.A.

Customer Number: 26813

By: David L. Provence

Name: David L. Provence

Reg. No.: 43,022

Direct Dial: 612-305-1005

Facsimile: 612-305-1228

CERTIFICATE UNDER 37 CFR §1.10:

"Express Mail" mailing label number: **EV 073687378 US**

Date of Deposit: **DECEMBER 31, 2003**

I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Mail Stop PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

By: SAM HER

Name: SAM HER

(LARGE ENTITY TRANSMITTAL UNDER RULE 1.10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket Number	Anticipated Classification		Prior Application	
293.00010102	Class	Subclass	Examiner Patricia A. Patten	Art Unit 1654

**REQUEST FOR FILING A DIVISIONAL PATENT APPLICATION
UNDER RULE 1.53(b)**

Assistant Commissioner for Patents
Mail Stop PATENT APPLICATION
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR §1.53(b) of Serial No. 09/449,271, Confirmation No. 6070, filed on November 24, 1999, entitled IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT by the following inventor(s) (name, address, and citizenship):

Darryl A. EMERY
8990 Riverwood Circle
New London, MN 56273
Citizenship: US

Darren E. STRAUB
16189 Gulfview Road
New London, MN 56273
Citizenship: US

1. ☐ Enclosed is a copy of the specification (including claims, abstract, and drawings) as filed in the prior application.
2. ☒ Enclosed is a new specification (including claims and abstract). The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference. No new matter has been added.
3. ☐ Enclosed is a copy of the Declaration and Power of Attorney filed in the prior application.
4. ☒ Enclosed is a copy of the Election under 37 C.F.R. §3.71, Revocation, Power of Attorney, and Certificate under §3.73(b) filed in the prior application.
5. ☐ Enclosed are Replacement Drawings (☐ sheets).
6. ☐ Before calculating the filing fee, cancel in this application claims _____, as described in the attached Preliminary Amendment. (At least one independent claim must be retained for filing purposes.)

Filed: Herewith

Title: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT7. ☒ A preliminary amendment is enclosed.8. ☒ The filing fee is calculated below:

CLAIMS AS FILED			
NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$770
Total Claims 66-20 =	46	\$18	\$828
Independent Claims 5-3 =	2	\$86	\$172
MULTIPLE DEPENDENT CLAIM PRESENTED		\$290	\$0
FILING FEE:			\$1,770

9. ☒ A check in the amount of \$1,770 is attached.10. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-4895.11. ☐ This application is being filed by less than all of the inventors named in the prior application. Please delete the names of the following inventor(s) who are not inventors of the invention claimed in the present application:12. ☐ Priority of foreign application Serial No. ___, filed on ___ in (country) ___ is claimed under 35 U.S.C. §119.13. ☒ The prior application is assigned of record to Willmar Poultry Company, Inc.14. ☒ The Power of Attorney in the prior application is to:

David L. Provence
 Mueting, Raasch & Gebhardt, P.A.
 P.O. Box 581415
 Minneapolis, MN 55458-1415
Customer Number 26813

15. ☐ Small Entity Status is entitled to be asserted in the above-identified application.16. ☒ Application Data Sheet.

Filed: Herewith

Title: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

Address all future communications to:

MUETING, RAASCH & GEBHARDT, P.A.
P.O. Box 581415
Minneapolis, Minnesota 55458-1415
Customer Number 26813

Attn: David L. Provence
(Telephone: 612-305-1220)
(Facsimile: 612-305-1228)

Date: December 31, 2003

David L. Provence

David L. Provence
Reg. No. 43,022
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"Express Mail" mailing label number: **EV 073687378 US**

Date of Deposit: **DECEMBER 31, 2003**

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Sam Her

Name: SAM HER